

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL SANTOS,

Plaintiff,

-against-

MAERSK LINES LIMITED,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/31/07
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: 06 Civ.11406 (LAP) (AJP)

: ORDER ADOPTING REPORT
: AND RECOMMENDATION

LORETTA A. PRESKA, United States District Judge:

On October 26, 2006, Plaintiff Emanuel Santos filed a complaint (the "Complaint"). (Dkt. no. 1) On November 22, 2006, this Court referred the action to Honorable Andrew J. Peck. (See Order referring case to Magistrate Judge, filed November 22, 2006 [dkt. no. 3].)

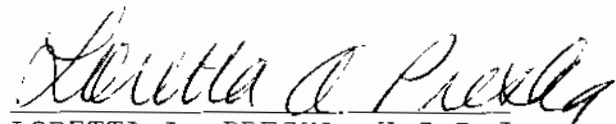
By Order dated November 27, 2006, Judge Peck advised Plaintiff that the Complaint had to be properly served under Federal Rule of Civil Procedure 4(m) by February 27, 2007. (See Order, dated November 27, 2006 [dkt. no. 4].) Plaintiff failed to take action pursuant to Judge Peck's Order and there was no indication from the record that Plaintiff had served the Complaint on the Defendant.

On March 13, 2007, Judge Peck issued a report (the "Report") recommending that this Court dismiss Plaintiff's

Complaint without prejudice for failure to timely serve it pursuant to Federal Rule of Civil Procedure 4(m). (See Report [dkt. no. 6].) The parties were given ten days from the date thereof to submit objections thereto.

The parties having failed to file any objections to the Report I find the Report to be well-reasoned and thoroughly grounded in the law. Accordingly, it is hereby ORDERED that the Report be adopted in its entirety and that the Clerk of the Court mark this action closed and all pending motions denied as moot.

SO ORDERED: New York, New York
 July 30, 2007


LORETTA A. PRESKA, U.S.D.J.